

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**ZEICHNER, ELLMAN & KRAUSE, LLP,**  
**Plaintiff and Interpleader Plaintiff,**

**v.**

**KATHY COKUS, Defendant and Interpleader**  
**Defendant, and OCTAVIO PENA, Interpleader**  
**Defendant.**

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**No. 07-CIV-9521**

**MOTION TO DISMISS  
AMENDED CROSS CLAIM  
OF OCTAVIO PENA**

**AND NOW**, comes Defendant Kathy Cokus, by and through her undersigned counsel, Bochetto & Lentz, P.C., and move this Court for an Order dismissing the Amended Cross Claim of Octavio Pena. In support of this Motion, Cokus incorporates by reference the accompanying Memorandum of Law being filed contemporaneously herewith and documents referenced in the Memorandum.

Respectfully submitted,

**BOCHETTO & LENTZ, P.C.**

/s/

By: \_\_\_\_\_

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Date: December 13, 2007

*Attorney for Defendant Kathy Cokus*